

Inasmuch as no objection is pending at this time, the stay is lifted.

JUN - 2 2008

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL  
ON  
MULTIDISTRICT LITIGATION

ARETIA AND ZOMETA PRODUCTS



JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 15 2008

FILED  
CLERK'S OFFICE

MDL No. 1789  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TENN.

JUN 09 2008

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-68)  
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On April 18, 2006, the Panel transferred 27 civil actions to the United States District Court for the Middle District of Tennessee for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 429 F.Supp.2d 1371 (J.P.M.L. 2006). Since that time, 343 additional actions have been transferred to the Middle District of Tennessee. With the consent of that court, all such actions have been assigned to the Honorable Todd J. Campbell.

It appears that the actions on this conditional transfer order comprise claims relating to: (1) the prescription drugs Aredia and/or Zometa; and (2) the prescription drug Fosamax. These actions are already included in MDL No. 1789 previously centralized in the Southern District of New York before the Honorable John F. Keenan. The Aredia/Zometa claims, however, appear to share questions of fact with actions in MDL No. 1760 previously centralized in the Middle District of Tennessee.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Middle District of Tennessee for the reasons stated in the order of April 18, 2006, and, with the consent of that court, assigned to the Honorable Todd J. Campbell.

The claims in these actions relating to Fosamax are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Southern District of New York for continued inclusion in the centralized pretrial proceedings in MDL No. 1789.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Tennessee. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

**A CERTIFIED TRUE COPY**

JUN 17 2008

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

*Jeffery N. Lüthi*  
Jeffery N. Lüthi  
Clerk of the Panel

ATTEST AND CERTIFY  
A TRUE COPY  
Clerk

U.S. District Court  
Middle District of Tennessee

By: *Dan K. [Signature]*  
Deputy Clerk

• **IN RE: AREDIA AND ZOMETA PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 1760**

**SCHEDULE CTO-68 - TAG-ALONG ACTIONS**

**DIST. DIV. C.A. #**

**CASE CAPTION**

**MDTN No.**

**NEW YORK SOUTHERN**

NYS 1 08-4084	Lloyd Daniel Amerson v. Novartis Pharmaceuticals Corp., et al.	3:08-cv-0573
NYS 1 08-4091	Ann Hart v. Novartis Pharmaceuticals Corp., et al.	3:08-cv-0574
NYS 1 08-4097	Diane Plasschaert v. Merck & Co., Inc., et al.	3:08-cv-0575
<del>NYS 1 08-4100</del>	<del>Carol J. Strong v. Novartis Pharmaceuticals Corp., et al.</del>	
	Vacated 5/23/08	
NYS 1 08-4101	Susan L. Vasbinder v. Novartis Pharmaceuticals Corp., et al.	3:08-cv-0576

Ann G  
Frantz/TNMD/06/USCOURT  
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06/09/2008 11:35 AM

To NYSDdb\_ECF POC@USCOURTS,  
HelpDesk@nysd.uscourts.gov  
cc Dorothy Guranich/NYSD/02/USCOURTS@USCOURTS

bcc

Subject Transfer of Cases; MDL 1760 (CTO 68) (SDNY Case Nos.  
1:08-cv-4084; 1:08-cv-4091; 1:08-cv-4097; 1:08-cv-4101)

Clerk of Court  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

In Re: MDL 1760 In Re Aredia and Zometa Products Liability Litigation  
Conditional Transfer Order 68

Dear Clerk of Court:

Attached is a certified copy of CTO 68 from the Judicial Panel on Multidistrict Litigation transferring your cases to the Middle District of Tennessee. The new case numbers are listed on the order.

***Please transmit your records via the ECF District Transfer method to Tennessee Middle.***

If this is not possible, please forward the case files and docket sheets, preferably as PDF documents attached to an email addressed to: [ann\\_g\\_frantz@tnmd.uscourts.gov](mailto:ann_g_frantz@tnmd.uscourts.gov).



MDL 1760 CTO 68-CERTIFIED.pdf

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